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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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August 1, 1994

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SUPERFUND REMEDIAL DIVISION

Mr. Dennis Scott  
Spokane County Utilities  
1026 West Broadway  
Spokane, WA 99260

Dear Mr. Scott:

RE: Colbert Landfill\Closure & Capping\Technical Rationale\Administrative  
Record\Options

First, let me congratulate Spokane County on the construction of its treatment plant, the installation of extraction wells, the plant-well control system, and the effort that went into monitoring the plant operation. The treatment of 100 million gallons of groundwater to date is also an accomplishment. I'm confident that there will be many more accomplishments. This has truly been a team effort between Ecology and Spokane County, and we want it to continue that way.

Now, however, I must bring up the old topic that continues to be a thorn in the sides of both Ecology and Spokane County. It is imperative that the Colbert Landfill be closed and capped expeditiously in accordance with the Consent Decree. I would like to highlight the technical rationale for this action before discussing the administrative record and the available options as I see them.

Consent Decree contaminants of concern traveled down through eighty feet of strata before entering regional groundwater. The driving force is precipitation infiltrating into the uncapped landfill. Given what we know about the characteristics of contaminants and material in and beneath the landfill, contaminants of concern still reside in and beneath the landfill. Under these conditions, infiltrating precipitation continues to drive contaminants of concern into regional groundwater.

The Consent Decree's contaminants of concern are not the only contaminants in the landfill. Refuse, tin cans, garbage, and other commercial and industrial waste were accepted at the Colbert Landfill. These other contaminants are also being driven down to the regional aquifers via infiltrating precipitation. Capping the landfill is the only reasonable remedy for minimizing the downward conveyance of all contaminants into regional aquifers.

The longer the landfill remains uncapped, the more contamination will enter regional groundwater. Spokane County will be operating the pump-and-treat systems for a longer duration. Finally, there is increased risk that Spokane County will be taking part in constructing another pump-and-treat system to remediate other plumes of contamination.

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To date there has been no identification of other landfill contaminants in regional groundwater, but there is not a wealth of monitoring data regarding other contaminants. However, there may be a slight indication of other contaminants in the regional groundwater near the landfill. If the landfill continues to remain uncapped, monitoring for other contaminants in the groundwater will have to be undertaken to avoid undue risk to human health and the environment.

Now, for the administrative record. A Schedule of Deliverables, compiled in the Spring of 1985, in accordance with the Consent Decree, required Spokane County to develop a Landfill Closure plan (i.e., capping). During 1991 Spokane County applied to the Spokane County Health District for a variance to delay Landfill closure requirements. The variance was denied. During the Summer of 1992, in accordance with the Consent Decree, Spokane County submitted to Ecology a closure plan preparation schedule. Ecology approved the County's schedule, in accordance with the Consent Decree, and the County began the development of a plan to ultimately close and cap the landfill. During late 1992 and early 1993, Spokane County, in accordance with the Consent Decree, took a few steps on the road to closure. Then in the fall of 1993, Spokane County made a decision to cease work on the plan. The reason cited for ceasing work was lack of financial means.

Ecology's project management explored the possibilities of Spokane County being eligible for Ecology grant money for closing the landfill. Spokane County Utility then submitted financial information including an estimated cost of landfill closure, to Ecology's Waste Management Grants Section. In the winter of 1993, the Grants Section determined that a grant would not be forthcoming. At that time the Grants Section and Ecology management suggested that the County use the trust fund for landfill closure, with the option of accessing additional funding if the trust fund was exhausted prior to completing landfill closure. The letter regarding the fund was addressed to the Spokane Utilities Director, and it was signed by the Toxics Cleanup Program Manager.

Since the winter of 1993, Ecology's project manager has brought up the subject of landfill closure on several occasions, and Spokane County's position is that it lacks the financial means for landfill closure until 1999. When project staff have asked the County to use trust fund money for Colbert closure, it has been our understanding that the County's position is: (1) Landfill closure is not a part of remediation under the Consent Decree; (2) trust fund money is ineligible for closure; and (3) the County will have funds in 1999 for closing the landfill. Ecology's position has been, and is: (1) landfill closure is indeed remediation under the Consent Decree; (2) trust fund money is available for closure; and (3) closing the landfill in 1999 is unacceptable.

Finally, the options. *Option A* Currently, Spokane County and Ecology are working out two issues--discharge to the Little Spokane River, and groundwater performance monitoring. As the bulk of these issues is scheduled to be resolved in September 1994, Ecology project management is placing the landfill closure issue back on the table in October 1994. Subsequently, we expect Spokane County to come forth in November 1994 with a conceptual plan (followed accordingly by an engineering plan & specifications) to close and cap the landfill, in accordance with the Consent Decree, by the end of 1996. If Spokane County does not come forth in November 1994 with a conceptual plan to close the landfill by the end of 1996, we will seek enforcement action.

*Option B* In the upcoming budget that Spokane County is submitting to Ecology for trust fund disbursements, Spokane County includes landfill closure, in accordance with the Consent Decree, to be completed by the end of 1996.

Mr. Dennis Scott  
August 1, 1994  
Page 3

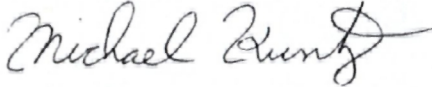
*Option C* Dispute resolution under the Consent Decree.

There may be other options in higher level discussions with Spokane County and Ecology, but as project manager of the Colbert Landfill project, I must pursue the capping of Colbert Landfill.

Please remember that no matter what option prevails, Spokane County as described by the leading paragraphs of this letter, is increasing risk to human health and the environment by leaving Colbert Landfill uncapped. In closing, Ecology's project management would like to resolve this issue with the County via *option B*.

If you have any questions regarding this letter, please do not hesitate to contact me at 407-7239.

Sincerely,



Michael Kuntz  
Project Manager  
Toxics Cleanup Program

MK:cp

cc: Dean Fowler, Spokane County  
Neil Thompson, EPA Region X  
Steve Holderby, Spokane County Health  
Steve Thiele, Ecology